

**From:** LEE, LILY

**Sent:** Thursday, March 23, 2017 10:10 AM

**To:** Fairbanks, Brianna <fairbanks.brianna@epa.gov>

**Cc:** Chesnutt, John <Chesnutt.John@epa.gov>; Jones, Lucrina <Jones.Lucrina@epa.gov>; Lane, Jackie <Lane.Jackie@epa.gov>; Yogi, David <Yogi.David@epa.gov>; Huitric, Michele <huitric.michele@epa.gov>; Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>

**Subject:** Legal review - Draft 2 sentences for Senate EPW Hearing

Dear Brianna,

Below is a draft of 2 sentences that HQ requested. Please give a legal review.

The transfers of portions of the Hunters Point Naval Shipyard for redevelopment have been delayed at least a year due to falsification of radiation data by Navy contractor Tetra Tech EC, Inc.

The Navy, under EPA oversight, is addressing this concern through data evaluation, new re-sampling, and, if necessary, new cleanup.

Background re request from HQ:

“As some of you may already know, the Senate Committee on Environment and Public Works (SEPW) is convening a hearing next week regarding federal facility cleanup sites. The hearing focus is on Cold War legacy sites (FUSRAP, FUDS and some DOD facilities). As part of our work to support the preparations for Barry Breen (EPA OLEM’s Acting AA) for his participation in the hearing, we need your assistance. Please provide to Charlotte Bertrand (cc’s to Dianna Young and Greg Gervais of OLEM FFRRO; Jim Woolford, Pam Barr, Dana Stalcup, Schatzi Fitz-James and Lois Gartner of OLEM OSRTI) a list of **all Superfund remedial** (private and FF; Superfund Alternative as well) **Hot Sites and 1 or 2 sentences on the issue from the states listed below**. We need this information **by Noon Friday EST**. Barry has just asked for this information, which he will keep in his back pocket in case committee members or others giving testimony (state reps, other federal agencies) raise these sites during the hearing. They may raise non-federal facilities, so we want to ensure Barry is prepared for anything. [Sen Kamala Harris is on the committee]”

Direction from Enrique:

“Short and sweet. Imagine the question from senator Harris and a response from Barry. “

“Short description of how we are supporting CA. Coordinate w land. “

From EPA website:

### **PL Listing History**

NPL Status: Currently on the Final NPL

Proposed Date: 07/14/89

Final Date: 11/21/89

Deleted Date:

The Hunters Point Naval Shipyard (also known as the Treasure Island Naval Station-Hunters Point Annex) is located in southeastern San Francisco, California, adjacent to San Francisco Bay in the Bayview-Hunters Point neighborhood. The Shipyard consists of 866 acres, 420 acres on land and 446 acres under water in San Francisco Bay. To better organize the investigation and cleanup, as well as to facilitate future reuse, the Shipyard has been divided into several parcels.

### ***Site History:***

Prior to European settlement of California, historians estimate that seven to ten thousand Native Americans inhabited San Francisco Bay Region, and believe the Ohlone people settled in the Hunters Point area due to the availability of seasonal hunting and fish. Hunters Point was originally a private, commercial dry dock facility from 1869 until December 29, 1939, when the Navy purchased the property. The natural landscape of Hunters Point was significantly changed by extensive grading and flattening of the rocky hills and filling of the shoreline areas during the World War II and postwar periods. From 1945 until 1974, the Navy predominantly used the shipyard as a naval submarine and ship repair facility. At the height of operations, approximately 8,000 civilian workers were employed at the Shipyard. In addition to serving as a repair facility, the Shipyard was also the site of the Naval Radiological Defense Laboratory (NRDL) from 1948 to 1969. The purposes of the NRDL included radiological decontamination of ships exposed to atomic weapons testing as well as research and experiments on radiological decontamination, the effect of radiation on living organisms, and the effects of radiation on materials. In 1974, the Navy ceased shipyard operations, placing the Shipyard in industrial reserve and transferring control of the property to the Navy Office of the Supervisor of Shipbuilding, Conversion, and Repair in San Francisco. From May 1976 to June 1986, Triple A Machine Shop, Inc. leased most of the Shipyard from the Navy and operated a commercial ship repair facility.

### ***Cleanup Program at the Shipyard:***

In 1989, EPA placed the Shipyard on its National Priority List (NPL) which is a list of Federal Superfund Sites in the United States. There are approximately 1,300 Superfund sites on the NPL nationwide. The cleanup program at the Shipyard is conducted by the Navy pursuant to the Installation Restoration Program, a federally funded program established by the Department of Defense (DOD) to identify, investigate, and control the migration of hazardous substances at military and other DOD facilities. The Shipyard is being prepared for transfer under a program called Base Realignment and Closure or BRAC.

A Federal Facilities Agreement (FFA), which governs the site cleanup process at the Shipyard, was signed September 28, 1990 with the final, revised version of the FFA signed in January 1992. Signatories to the FFA consist of the Navy, EPA, the California Department of Toxic Substances

Control and the California Regional Water Quality Control Board. Under the FFA, the Navy is the lead agency responsible for the investigation and cleanup of the Shipyard in accordance with the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). CERCLA is also known as the Federal Superfund Law. EPA is the lead regulatory agency. EPA, along with its partner regulatory agencies at California EPA, oversees and enforces Navy compliance with CERCLA to ensure the cleanup at the Shipyard is protective of human health and environment.

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## Contaminants and Risks

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### Contaminated Media

- Groundwater
- Surface Water
- Soil and Sludges

At many locations throughout the Shipyard, groundwater, bay sediments, and soil are contaminated with petroleum fuels, pesticides, heavy metals (such as lead and zinc), polychlorinated biphenyls (PCBs), or volatile organic compounds (VOCs) such as trichloroethylene, perchloroethylene, vinyl chloride and carbon tetrachloride. Much of the soil at the Shipyard originated from grading and flattening the nearby hills containing rock and soil known as Serpentinite. Serpentinite rock contains naturally occurring asbestos and metals such as iron, nickel, zinc, and manganese. Likely due to the activities of the NRDL, radionuclides such as Radium-226, Cesium-137, and Strontium-90 have been detected in low concentrations in soil and inside stormdrains at the Shipyard.

Risks primarily arise when people accidentally ingest or come in direct contact with contaminated soils, dust, sediments, surface water, or groundwater. Another important risk comes from VOCs gases evaporating from underground VOC-contaminated soil and groundwater. These VOC gases can migrate and accumulate inside buildings where they can be inhaled.

Currently, the Shipyard is closed to the general public with exceptions for special events. The Hunters Point Shipyard Artists along with a few other tenants are allowed to occupy certain buildings at the Shipyard. Residential areas of San Francisco's Bayview-Hunters Point neighborhoods surround the Shipyard. The Navy's cleanup operations, especially soil excavation and trucking of soil, are under strict requirements to minimize the creation of dust. In addition, although there are over 200 groundwater wells at the Shipyard used to monitor the location, flow direction and concentration of groundwater contamination, there are no wells used for drinking water or irrigation purposes.

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## Who is Involved

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The Navy is the current owner and the lead cleanup agency for the Shipyard. A Base Closure Team or "BCT" which includes representatives from the Navy, EPA and California EPA conduct overall management of the cleanup work. California EPA is represented by the California Department of Toxic Substances Control (DTSC) and the California Regional Water Quality Control Board. As the future landowner, City of San Francisco representatives attend BCT meetings and comment on Navy documents but they have no direct regulatory authority over Shipyard cleanup under CERCLA or the FFA.

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